HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A.No.1289 of 2006

Between

Andhra Pradesh Techno Chem Industries .. /Appellant
represented by its Managing Partner

AND

The Joint Collector, Nalgonda district, Nalgonda ..Respondents
and others

:: JUDGMENT ::

Counsel for the appellant: Sri B.Vijaysen Reddy

Counsel for the respondents: Government Pleader for Revenue

8.12.2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 18.10.2006 passed by the learned Single Judge, whereby he dismissed the writ petition filed by the appellant for quashing proceedings No.B/1219/2005 dated 27.10.2005 issued by Mandal Revenue Officer, Keesara

Mandal, Rangareddy District under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act').

The appellant is engaged in manufacturing of chemicals. It purchased land measuring Ac.3.00 comprised in Survey No.113/2 situated at Yadgarpally Village of Keesara Mandal, Ranga Reddy District from M/s Nuage Tanneries Private Limited under registered sale deed dated 05.07.2004. The latter is said to have purchased the land in the sale conducted by Andhra Pradesh State Financial Corporation (for short 'the Corporation') under Section 29 of the Andhra Pradesh State Financial Corporation Act, 1951. During the interregnum, Mandal Revenue Officer initiated action under the Act and passed order dated 27.10.2005 under Section 4 of the said Act for resumption of the land by holding that the same is Government land and the purchase was made in contravention of the provisions of Section 3 of the Act. The appellant challenged order dated 27.10.2005 in Writ Petition No.21619 of 2006, which was dismissed by the learned Single Judge on the ground of availability of alternative remedy under Section 4-A of the Act.

Learned counsel strenuously argued that the order passed by the Mandal Revenue Officer is without jurisdiction and the learned Single Judge gravely erred by refusing to entertain the writ petition filed by his client on the ground of availability of alternative remedy. He emphasized that the property, which was sold by the Corporation, had been mortgaged by the owner and, therefore, the same could not have been treated as Government land and subjected to the proceedings under the Act.

In our opinion, there is no merit in the submission of the learned counsel and the appeal is liable to be dismissed because the view expressed by the learned Single Judge on the issue of

availability of an effective alternative remedy of appeal under Section 4-A is in consonance with the law laid down by the Supreme Court in **A.V. Venkateshwaran v. R.S. Wadhwani**[1], **Thansingh Nathmal v. Superintendent of Taxes**[2], **Baburam v. Zilla Parishad**[3], **Champa Lal v. I.T. Commissioner**[4], **J.M. & Co. v. Agricultural I.T. Officer, Assam**[5], **C.I.T v. Ramendra Nath Ghosh**[6], **Swadeshi Cotton Mills Co. Ltd., v. Government of U.P**[7], **Titaghur Paper Mills Co., Ltd. V. State of Orissa**[8], **Assistant Collector, Central Excise v. Dunlop India Ltd.,**[9], **Gujarat University v. N.U. Rajguru**[10], **State of H.P. v. Raja Mahendra Pal**[11], **L.L Sudhakar Reddy v. State of A.P.**[12], **State of Bihar v. Jain Plastics & Chemicals Ltd.,**[13], **Harbanslal Sahnia v. Indian Oil Corporation Ltd.,**[14] and **ABL International Ltd., v. Export Credit Guarantee Corporation of India Ltd.,**[15] and there is no valid ground or justification to take a different view.

Even otherwise, we are satisfied that the grievance made by the appellant against the proceedings issued by the Mandal Revenue Officer is not well founded. A perusal of the impugned proceedings shows that notice was issued to the recorded owner in respect of the lands comprised in Survey No.113/3. Order dated 27.10.2005 also relates to the same land, whereas the land purchased by the appellant is comprised in Survey No.113/2 situated at Yadgarpally Village of Keesar Mandal. Therefore, on the face of it, the impugned order does not relate to the appellant's property.

With the above observation, the appeal is dismissed.

However, it is made clear that if the order passed by the Mandal Revenue Officer is sought to be used against the appellant, then it shall be free to avail the remedy of appeal under Section 4-A of the Act.

As a sequel to dismissal of the appeal, W.A.M.P.No. 2724 of 2006 filed by the appellant for grant of interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

8.12.06.
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[1] AIR 1961 SC 1506
[2] AIR 1964 SC 1419
[3] AIR 1969 SC 556
[4] AIR 1970 SC 645
[5] AIR 1970 SC 1980
[6] (1972) 4 SCC 379
[7] (1975) 4 SCC 378

[8] (1983) 2 SCC 433

[9] (1985) 1 SCC 260

[10] AIR 1988 SC 66

[11] (1999) 4 SCC 43

[12] (2001) 6 SCC 634

[13] (2002) 1 SCC 216

[14] (2003) 2 SCC 107

[15] (2004) 3 SCC 553